

1894-034 Chancery Causes: Ann Dorton vs. Rufus T. Dorton
Lee Co.

4 files

CA-Divorce

1 To The Hon. W. T. Miller, Judge Circuit Court Lee Co.,
2 Humbly complaining your oratrix, Ann
3 Dorton, would respectfully show to your Honor
4 that heretofore, to wit: on the day of
5 1879 she was united in marriage in Lee Co.,
6 Virginia, to Rufus T. Dorton, with whom
7 she lived, lovingly, dutifully and obediently, until
8 day of 18 when her husband
9 the said Rufus T. Dorton, was indicted, tried
10 and convicted of a felony in the courts of
11 Scott county, Virginia, and accordingly
12 sentenced to the penitentiary of this state; a
13 certified copy of the record is herewith filed
14 marked "A" as part hereof.

15 Your oratrix would further represent that
16 since the conviction of her said husband
17 of the felony aforesaid, she has not lived
18 or cohabited with him. Your oratrix further
19 avers that she is ^{has} been a resident of this state
20 and county for more than one year last
21 past, and she is informed and believes that
22 her said husband since his release from the
23 penitentiary of this state, is now a non-resident.

24 The prayer of your oratrix therefore is that
25 the said Rufus T. Dorton be made party defend-
26 ant to this bill, required to answer same, but not on
27 oath; that upon a final hearing a decree be
28 pronounced dissolving the bonds of matrimony
29 heretofore contracted & now existing between your oratrix
30 and her said husband. And if in anywise mis-
31 taken in her special prayer, she asks for full re-
32 lief. May opa. insee.

Orr, Blankenship & Ewing,
P. L.

O. B. & E.

Ann Dorton
v. } Bill -
R. J. Dorton

1894 2nd August Rules bill filed
Spa 2. deputed & Decree nisi
" 1st September Rules Comtd for
order of Publication to complete
" 2nd September Rules and pub-
lication completed & Decree nisi
confd & Cause set for hearing
by Plff.

November term 1894
Decree final See
Chancery Order Book
Page 78

Plffs Costs recovered
\$6.09
JP 75 - 90 to 00
Attys 5.00
Tax 1.50
\$23.34

Ann Dorton, Plaontiff
vs. } In Chancery.
R.T.Dorton, Defendant.

This cause came on to be heard upon the bill of the plain-
tiff and exhibits therewith, and the order of publication
duly made posted and published against the defendant as required
by law, and deposition of witness, and was argued by counsel, *for plaintiff.*
On consideration thereof it order^{ed} adjudged and decreed that
the bonds of matrimony existing ~~between~~^{between} the plaintiff and
defendant be and they are hereby dissolved, and the said
plaintiff forever divorced from the said defendant, with leave
to the said plaintiff to marry again. And it is further adju^dged
ordered and decreed that the plaintiff recover against
the defendant here costs in this behalf expended and the
cause is stricken from the docket.

Ann Dorton
vs. } Decree final.
R. T. Dorton.

Entered in
Chancery Order
Book Page 78

Nov. 17, 1894.
Enter this.
W. J. M.

Anne Dorton } In Chancery
Rufus T. Dorton }

The deposition of Jane Miles
Taken before me H. C. Jorlyn
a Justice of the Peace in and
for the County of Lee and
State of Virginia, at the law
office of Orr, Blankenship &
Givins in the town of Jonesville,
on the 8th day of October, 1894.
The said deposition is intended
to be read as evidence for
the Plaintiff in a certain suit
in Chancery. Now pending in
the Circuit Court of Lee
County, in which Anne Dorton
is Plaintiff and Rufus T. Dorton
is defendant.

Jane Miles a witness of
lawful age being duly sworn
deposes as follows,

1st Question by Plff's Atty.

Please state your age, occu-
pation & place of residence?

Answer. I am about 54 years of age.
a house keeper, and reside in
Lee County Va.

2nd Ques.

Are you acquainted with
Anne Dorton & Rufus T. Dorton,

if so, how long have you known them?

Answer. I am well acquainted with both Ann Dorton and Rufus T. Dorton. I have known Ann Dorton all her life, and Rufus T. Dorton for about Seventeen years.

Ques. 3. Do you know whether or not they once lived together as man & wife?

Answer. I do know that they lived together as man and wife. I saw them married.

Ques. 4. Please state if you know when they ceased to live together as man & wife, & why?

Answer. They quit living together about nine years ago. when Rufus T. Dorton was arrested and indicted in Scott Co Va for a Felony Robbery and burning a store. he was tried on this charge and sent to the Penitentiary for three years since which time I know nothing of him.

Ques. 5. Please state if you know whether or not the Plaintiff has lived or cohabited with the Deft. since

his conviction of the felony
 above I spoken of by you.
 Answer I know she has not lived
 with him or co-habited with him
 since that time. for she has
 lived with me, or near me ever
 since he went to the Penitentiary
 and Rufus T. Dorton has not
 been in this Country since that
 time.

Ques. 6. State if you know how long
 the Plaintiff has been a
 resident of this county &
 State?

Answer She was born and raised in
 Lee County Va. and has always
 lived in Lee County.

And further this deponent soith not.

Witness claims

1 day 50 cts P'd by Plff. Jane ^{his} ~~X~~ Abiles _{mark}

Virginia Lee County To wit.
 I, Henry C. Goslyn a Justice of
 the Peace for the County of Lee
 and State of Virginia. do Certify
 that the foregoing deposition
 of Jane Abiles. was duly taken
 sworn to and subscribed before
 me. at the time and place

mentioned in the Caption of the
Same. Given under my hand
This 8th day of October 1894.
Henry C. Foslyn J. P.

Ann Dorton
vs. In Chancery
Rufus T. Dorton

Deposition of
Jane Miles

Received from H. C. Joslyn
the Justice before whom
taken and filed October
the 8th 1894
A. B. Munsey Clerk

J. P. Lee 75

Virginia:

Scott County To-wit:
The Jurors of the Grand Jury
impaneled and sworn in and
sent to hold a Court at the
January term of the County Court,
held and run for said County
commencing on Sunday the 14th
day of January 1886, Upon their
oath present that Rufus Norton
on the 18th day of December 1885,
about 11 o'clock on the night of
that day in said County a cer-
tain store house of one John B.
Carter, situated in the said County,
the said store house not then being
regularly occupied by any person
sleeping therein at night, together
with one thousand dollars worth
of goods, wares, merchandise, produce,
medicine and drugs, the property
goods, wares, merchandise, medi-
cine and drugs of the said John
B. Carter, then in the said store-
house contained and being dis-
missed, withheld and prejudicially
did not give to be used against
the peace and dignity of the

Commenced at Virginia, and
the jurors appeared and their oath
administered by the court. That
the said John R. Carter on the day
and year above said about 11 o'clock
in the night of that day in the
County above said a certain store
house of one John R. Carter
situated in the said County, together
with twenty suits of men's clothing,
300 yds. of prints, 200 yds. of cotton
cloth, a lot of glassware, a lot
of tinware, 20 pair of boots, 30 pair
of shoes, 20 shirts, 10 pairs men's flannel
under shirts, 10 pairs men's
flannel drawers, 30 sets knives
and forks, 300 lbs. brown sugar,
300 lbs. coffee and other articles of
groceries, wine, merchandise, medicines
and drugs of the value of one
thousand dollars the property
storehouse, goods, wares, merchan-
dise, medicines and drugs of the
said John R. Carter then in the
said storehouse contained and being
 feloniously and unlawfully with force
and maliciously did set fire to

The Jury find the defendant,
Caleb Sertor, guilty as charged
in the indictment, and give his
confinement at three years in
the Penitentiary.

Joel Haley.

W. H. Merrill & Co.

Virginia, Scott County Court, 12th Jan'y. 1886.

H. S. [unclear] foreman.
James M. Morey, John W. Dickerson,
Joseph E. Tate, John S. Greaves, John
C. Bellamy, George W. Nottingham,
Lloyd W. [unclear] and C. C. [unclear]
were sworn a grand jury
in and for the body of this County,
and after having received their
charge, and sent to their apartments,
and after some time returned into
Court, and presented an indictment
against Judas Gertow for
burglary, at which house not re-
siding the day person belonging
therein at night - A true bill.

And at another day to-wit:
Judas Gertow late of the
County of Scott, who stands in-
dicted as above, was led to the
bar by the custody of the Jailor
of this Court and thereupon
arraigned and upon his ar-
raignment pleaded not guilty,
and on the motion of the attorney
for the Commonwealth and with
the consent of the prisoner his

trial is postponed till the next
term, and the said Rufus Benton
is remanded to jail.

And at another day to-wit:
Rufus Benton late of the
County of Scott who stands ac-
cused of felony was led to
the bar in custody of the jailer
of this Court and his mo-
tion for trial is postponed
till the next term, therefore
the said Rufus Benton is re-
manded to jail.

And at another day to-wit:
Rufus Benton late of the
County of Scott who stands
accused of felony was led to
the bar in custody of the Sheriff,
and upon his motion his trial
is postponed till Thursday
morning at 10 o'clock. There-
upon the said Rufus Benton
is remanded to jail.

And at another day to-wit:

The Eastern lot of the County
of ... was struck ...
... was led to the bar ...
... on the ... of this
... and ... came
... with George B. White,
Abner Levee, John Perry, Chas.
William, David ...
... H. Fuller, C. S. Redwine
James H. Shemmer, who thus
... James O. White, Robert
Stewart and W. C. Sprinkle;
who being sworn to tell the truth and
swear the truth and upon the
promises to speak after having
been heard the evidence was with
the consent of the prisoner com-
mitted to the custody of the
Sheriff of this County, who is
directed to keep them together
without communication with
any other person. And to cause
them to appear here if more
morning at 10 o'clock. Thereupon
and so it was administered to
Martin Carter and W. C. Pester
to be bound by their oaths "You will

well as) to the best of
your ability. Keep the jury and
neither shall to them your selves
nor suffer any other person to
speak to them touching any
matter relative to this trial
until they return into to Court
tomorrow!" (said) The said Rufus
Dexter is committed to jail.

And at another day to wit:
Friday October 12th at the
Court at Leitch who stands
indicted of Felony was again
led to the bar in the custody
of the Sheriff of this County.
And the jury sworn on yesterday
has this appeared in
Court pursuant to their ad-
journment and having partly
heard the evidence were with
the consent of the prisoner com-
mitted to the custody of the
Sheriff of this County who is
directed to keep them together
without communication with
any other person and to cause

them to appear here to-morrow
morning 10 o'clock. Wherefore we
will have a warrant issued to Mr.
C. F. Thomas and John Porter
Sheriff of the County of Sherrill 2d
in command to the following
effect: "You shall well and truly
to the best of your abilities keep
this jury and neither speak to
them yourselves nor suffer
any other person to speak to
them touching any matter
relative to this trial until
to-morrow" and the said
Judge Barton is remanded
to jail.

and get another day to-morrow.
Judge Barton both of the
County of Scott who stands in
detention at Albany was again
led to the bar in the custody
of the Sheriff of this County
and the jury sworn as yester-
day for his trial appeared in
Court pursuant to their ad-
journment and after having

having heard the evidence, were
with the consent of the prisoners
committed to the custody of the
Sheriff of this County, who is
directed to keep them together
without communication with
any other persons, and to cause
them to appear here on Monday
morning 7 o'clock. Whereupon
an oath was administered to
Martin Sedley and H. S. Cortes
Deputy Sheriff of this County
to the following effect: "You shall
well and truly to the best of your
ability, keep this jury and neither
speak to them yourselves nor sul-
der any other person to speak to
them touching any matter re-
lative to this trial until they
return into Court Monday"
And the said H. S. Cortes is
remanded to jail.

And it is further day to wit:
Judge of the Court of this
County, of Court was again led
to the Court and the custody of the
0

Sheriff of the County and the
jury returned pursuant ^{to} their ad-
journment and were not then
ascertained to consider of their
Verdict and after some time
returned into Court and declared
that they could not agree in a
verdict whereupon by the consent
of the parties and with the consent of
the Court James O. Sherman, Esq.
of the present appearance was with-
drawn and the rest of the jurors found
rendering their verdict discharged,
and the case is continued till the
May Term for a new trial to be
had therein, and the said Rufus
Barton is remanded to jail.

And at another day to-wit:

Indictment returned by the County
of Scott at Robert John Tamm Esq.
District Attorney, charging with
to the law in custody of the jailer
of this County, and thereupon came
a plea to-wit: John J. Gardner,
Jesse H. Bell, John Carter, Martin
Gardner, James Sherman, Benjamin

Barth. Isaac Hemen, Jeremiah
Crittow, Joseph Merrill, C. L. Jett,
Jacob Henshaw and Emanuel
Boring, who being elected tried
and found the truth of and upon
the charges to which and having
heard the evidence were sat-
isfied until tomorrow morning
at 10 o'clock. Therefore an order was
adjudged to W. C. Strong Sheriff
of the County and Martin Godsey
a County Sheriff to the following
effect: "You shall well and truly
to the best of your ability keep this
prisoner and deliver him to them your
shall may require any other person
to cheer to them touching any mat-
ter relation to this trial until they
return into Court tomorrow morning
at 10 o'clock. and the said Prisoner
is committed to Jail.

And next day to wit:
Quaker Carter late of the County
of Litchfield who stands indicted for
habeas corpus was again taken to
the Jail in custody of the Jailor

on this morning, and the jury
 sworn yesterday saw the trial
 with interest + to hear by the
 judge of this County, and having
 heard the witness were pre-
 sented to the jury in the
 said Sheriff, who is directed to
 keep them together without
 communication with any other
 person, and to cause them to
 appear here before the Court to-
 morrow morning at 6 o'clock.
 Thompson and Gato were ad-
 ministered to, M. C. Peterson
 Sheriff of this County, and to
 deliver a copy of the writ showing
 that said writ is to the said Sheriff
 to: "You shall well and truly,
 to the best of your ability, keep
 the jury, and minister of peace to
 keep them close, and suffer any
 other person to speak to them or
 touching any matter relative to
 this trial until they return
 into Court to-morrow morning,
 and the said Rufus Benton is
 remanded to jail."

And at another day to-wit:
Richard Foster late of the County
of Scott a laborer who stands
condemned for house burning was
again led to the bar in custody
by the Sheriff of this County and
the jury sworn for his trial I went
along with him to Court by the Sheriff
of this County and having further
view of the evidence were recom-
mended to the custody of the said
Sheriff who is directed to keep
them together without commu-
nication with any other person
and to cause them to appear here
before the Court tomorrow morn-
ing at 8 o'clock, Whereupon
an order was administered to
J. R. Beverly and R. H. Cowden
Deputy Sheriffs of this County to
the following effect: "You shall
and truly to the best of your ability
keep the jury and neither speak
to them nor allow any other
person to speak to them touch-
ing any matter relative to this
trial until they return into

Count tomorrow morning, and
the said Rufus Weston is remand-
ed to jail.

And at another day to wit:

Rufus Weston late of the County
of Worcester, who stands indicted
for house burning was again
brought to the bar in custody of the
jailer of this County and the jury
sworn for his trial were brought
into Court by the Sheriff of this
County, and having fully heard the
evidence were recommitting to the
custody of the Sheriff, who is di-
rected to keep them together with-
out communication with any
other person, and cause them
to appear here before the Court
to-morrow morning at 10 o'clock.
Whereupon an order was ad-
ministered to R. C. Crawford and
Martin Robey, Sheriffs
of this County to the following
effect: "You shall well and truly,
to the best of your ability, keep
the jury and witness to

thence you selves nor suffer any
other person to speak to them
touching any matter relative to
their trial until they return into
Court tomorrow morning and
the said Rufus Benton is re-
manded to jail.

And at another day to wit;
Rufus Benton Esq & the
County of Scott who stands
indicted of Felony, (as is the
indictment against him is
alleged) were again led to the
bar in view of the judges of
their Court, and the jurors sworn
for his trial appeared into
Court according to their affirma-
ment, and having duly heard
the evidence, and upon their oaths
of say, that the said Rufus
Benton is guilty of the Felony
aforesaid for which and from
as is the indictment against
him as is alleged and they do
ascertain the term of his im-
prisonment in the Penitentiary

of this Commonwealth to be
 three years, and therefore it
 being demanded of him, if any
 thing for himself, he hath chosen
 to say, why the Court here should
 not proceed to pronounce
 judgment against him, ac-
 cording to Law, and nothing
 being shown or alleged in delay
 of judgment, it is considered
 by the Court that the said Rudus
 Benton is imprisoned in the
 Penitentiary of this Commonwealth
 for the term of three years the period
 by the jurors in their verdict ascer-
 tained, and it is ordered that the
 Sheriff of this County do as soon
 as possible after the adjournment
 of this Court remove and safely
 convey the said Rudus Benton from
 the Jail of this County to the
 said Penitentiary therein to be
 kept imprisoned and treated
 in the manner directed by Law,
 and therefore the said Rudus
 Benton is commanded to jail.
 Whereupon the said Rudus Benton
 by his counsel alleging that he

Sentence

order, arrived by the judgment
of the Court entered in this case
and that he means to appeal there-
from. Therefore it is considered by
the Court that the execution of the
judgment aforesaid be suspended
for thirty days and the said return
is remanded to fail.

and at another day to wit:
Jesse James, late of the County
of Linn who stands indicted &
Hollings. Be it remembered, that
upon the trial of the cause the
verdict by his counsel excepted
to the opinion of the Court given
in the said cause and tendered
his bill of exceptions No. 1 & 2 which
were received signed and sealed
by the Court and ordered to be
made part of record in the
case.

A copy Test:
W.M. Munnich & Co
For copy J.C.

Commonwealth

No.

Richard A. Carter

In a Habeas Trial.

Be it remembered that in the trial of this cause, the prisoner tendered his bill of exception No. 1. to the ruling of the Court during the progress of the trial, and that after the jury had fully heard the evidence and the argument of counsel, they retired to their room and after some time returned into the Court the following verdict: "The jury do hereby verdict and agree upon the prisoner's merits the Court do set the verdict aside and grant him a new trial because the Court had said in its ruling twice before excepted to by separate bills of exceptions and because contrary to the evidence and without evidence to support and without sufficient cause, and the Court being of opinion that the evidence in the case is conflicting,

cannot certify the facts proved
 in said trial, doth overrule said
 motion to set aside the verdict
 and grant the prisoner a new
 trial at which action of the
 Court the prisoner be
 attorney, and pray
 that this bill of excep-
 tions be signed, sealed and
 made part of the record
 which is done.

D. Richmond Seal

11 Sept

C. M. Marshall, C.

No. 2.

Commonwealth

vs. William B. Smith

Indictment

As it remembered, before the trial
of this cause, and after its
commencement had introduced
and examined 24 witnesses, and
the prisoner had examined ten
before the jury, and when the
evidence was concluded on Friday
the 11th day of the term, about
10 o'clock, the prisoner by his counsel H. L.
Marshall, Esq. (opposed H. H.
Carrington and J. F. C. Prichard and
argued) they desired to argue
the cause; the learned Judge
announced to the bench that
he would limit general as to
time, and fix that time at 3
hours upon each side, and
leave the arrangement
as to who should occupy that
time to the counsel in the
cause. To this action of the
Court in limiting the counsel
as to time in the argument
of the cause the prisoner by
his counsel objected, but the
Court overruled the objection.

Reverend,

A.

J

In the Clerk's Office of the Circuit Court of the County of
Lee on the 31st day of July 1894.

against Ann Dorton

Plaintiff

In Chancery

Rufus T Dorton

Defendant

The object of this suit is to obtain a divorce dissolving the bonds
of matrimony heretofore contracted, and now existing
between the plaintiff and the defendant

And an affidavit having been made and filed that the defendant Rufus T Dorton is

not a resident of the State of Virginia, it is ordered that he do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the South West
Virginian and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Orr Blankenship & Ewing p. q.

A B Munsey Clerk.

Ann Dorton

vs. }

ORDER OF
PUBLICATION.

Rufus T Dorton

I A B Munsey Clerk of
the Circuit Court for Lee Co
do do certify that I de-
livered a copy of the within
order for publication on
the 31st day of July 1894 and
that I posted a copy of the
same at the front door of
the Court house ~~as~~
as the law directs to be
under my hand this the
16th day of October 1894
A B Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

against

Ann Dorton

Plaintiff

In Chancery

Rufus T Dorton

Defendant

This day Ann Dorton personally appeared
before me, A. B Munsey Clerk of the said Court,
and being duly sworn, made oath that Rufus T Dorton

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 31st day of July

18 94.

A B Munsey Clerk

Ann Dorton

vs.

{

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Rufus T. Dorton

p. q.

Filed July the 31st 1894
ATB Munnay Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Refus T Dorton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *August*, 189*4*, to answer a bill in Chancery,

exhibited against *him* in our said court by *Ann Dorton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

2nd day of *August* 189*4*, and in the 11 *9th* year of the

Commonwealth.

A B Munsey clerk.

Ann Dorton

vs.

{ SUPRENA
IN CHANCERY.

Rufus T. Dorton

Orr B & Ewing p. q.

To *2nd August* Rules,
Circuit Court.

*Not Executed not
found this Aug 23, 84*

C. E. Flanagan.

S. L. b

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Refus T Dorton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *August*, 189*4*, to answer a bill in Chancery,

exhibited against *him* in our said court by *Ann Dorton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

2nd day of *August* 189*4* and in the 11 *9th* year of the

Commonwealth.

A B Munsey Clerk.

vs. { SUPŒNA
IN CHANCERY.

p. q.

To..... Rules,
Circuit Court.

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. H. Eads,
editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at
Jonesville, Lee county, Virginia, do
hereby certify that the annexed no-
tice was published in said paper
once a week for four successive
weeks, commencing on the 2

day of August 1894.

A. M. Goins
W. H. Eads } Editors.

Non-Resident Notice.

In the clerk's office of the circuit court of
the county of Lee on the 31st day of July
1894.

Ann Dorton, Plaintiff }
VS } In Chan'cy.
Rufus T. Dorton, Defts }

The object of this suit is to obtain a di-
vorce dissolving the bonds of matrimony
heretofore contracted and now existing be-
tween the plaintiff and defendant. And
an affidavit having been made and filed
that the defendant Rufus T. Dorton is not
a resident of the State of Virginia, it is or-
dered that he do appear here, within fifteen
days after due publication hereof, and do
what may be necessary to protect his in-
terest in this suit. And it is further order-
ed that a copy hereof be published once a
week for four weeks in the SOUTHWEST
VIRGINIAN, and that a copy be posted at
the front door of the court house of this
county on the first day of the next term of
the County Court.

A Copy—Teste:

A. B. MUNSEY, Clerk
Orr, Blankenship & Ewing. p. q
aug 24t

\$5.00